

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENTRELL D. WELCH,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No.: 3:20-CV-00113-RCJ-CLB

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE
(ECF NO. 24)

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 24¹) entered on August 10, 2021, recommending that the Court deny as moot Plaintiff's second IFP application (ECF No. 19). On August 17, 2021, Plaintiff filed his Objections to U.S. Magistrate Judge's Report and Recommendation (ECF No. 26) and Motion for Clarification of the Report and Recommendation (ECF No. 28) filed on September 7, 2021.

This action was referred to Magistrate Judge Cobb under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

¹ Refers to Court's docket number.

1 The Court has conducted its *de novo* review in this case, has fully considered the
2 pleadings and memoranda of the parties including the parties' objections to the Report and
3 Recommendation and other relevant matters to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.
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5 **IT IS HEREBY ORDERED** that United States Magistrate Judge Cobb's Report and
6 Recommendation (ECF No. 24), shall be **ADOPTED and ACCEPTED**.

7 **IT IS FURTHER ORDERED** that Plaintiff's second IFP application (ECF No. 19) is
8 **DENIED as MOOT**.

9 **IT IS FURTHER ORDERED** that the Jane and John Doe Foster Family Members, the
10 State of Nevada and its agencies, the Clark County agencies are **DISMISSED WITH**
11 **PREJUDICE**.

12 **IT IS FURTHER ORDERED** that Clark County is **DISMISSED WITH LEAVE TO**
13 **AMEND**.

14 **IT IS FURTHER ORDERED** that the unidentified employees, staff and agents of the
15 State and County agencies are **DISMISSED WITH LEAVE TO AMEND**.

16 **IT IS FURTHER ORDERED** that the state law claims are **DISMISSED WITH**
17 **LEAVE TO AMEND**.

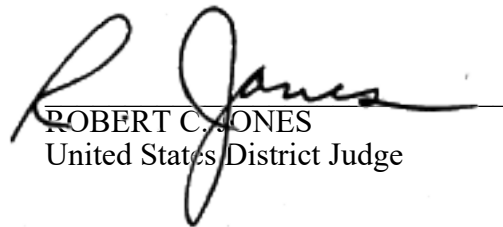
18 **IT IS FURTHER ORDERED** that Plaintiff shall be given one final opportunity to assert
19 a colorable claim against a viable defendant. Plaintiff shall have 30 days from entry of this
20 Order to file a second amended complaint correcting the deficiencies noted in the Report and
21 Recommendation (ECF No. 24). The second amended complaint must be complete in and of
22 itself without referring or incorporating by reference any previous complaint. Any allegations,
23 parties, or requests for relief from a prior complaint that are not carried forward in the amended
24 complaint will no longer be before the court. Plaintiff shall clearly title the amended pleading as
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1 “SECOND AMENDED COMPLAINT.” Plaintiff shall not name any defendants in the second
2 amended complaint that have been dismissed with prejudice. If Plaintiff fails to file a second
3 amended complaint within 30 days from entry of this Order, this action will be dismissed.
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5 **IT IS FURTHER ORDERED** that Plaintiff’s Motion for Clarification (ECF No. 28) is
6 **DENIED as MOOT.**

7 **IT IS SO ORDERED.**

8 Dated this 25th day of October, 2021.
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12 ROBERT C. JONES
13 United States District Judge
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